

From: BARRY TORNICK
To: Goldblum-Deborah
Date: 9/27/99 8:36am
Subject: Mixing Zone Information

In their demonstration to NJDEP that their GW discharge to the Delaware River from Chambers Works is acceptable, DuPont used a mixing zone to show that their discharge diluted to acceptable levels. I have been telling them that I have not been comfortable with this approach because it can justify very concentrated releases. While I don't know whether the constituents of concern (COC) released by DuPont Chambers Works would qualify as bioaccumulative chemicals of concern (BCC), the Delaware River is not clean enough to drink due to organic discharges such as those from DuPont.

See information on phasing out of mixing zones in the Great Lakes. We can discuss this as part of our October 4 meeting with DuPont on GW to SW issues.

CC: RBasso, NJ, Bruce, rtpmainhub.internet:"FFaranca@d...

9/28/99 ROC w/ BT on DuPont GW ↔ SW
I told him that I would attend it.
He said that Frank should also attend.
The address is 1650 Arch St, Philadelphia.
It would be good to have the NJDEP geologist
and surface water people at the meeting.
BT said he would get back to me after
talking to Deborah Goldblum to see how
many people from Region 2 and NJDEP could
attend.

ATP

From: WANDA AYALA
To: listserver, Newsgroup
Date: 9/24/99 3:48pm
Subject: EPA Announces Significant Actions to Reduce Toxic Chemical in Great Lakes Basin

For Immediate Release: Friday, September 24, 1999

(#99149) New York, N.Y. – Below please find a press release issued by EPA Headquarters on the phasing-out of certain chemical discharges into the Great Lakes Basin. Please note that the release is embargoed until 6:30 PM today.

EMBARGOED UNTIL SEPTEMBER 24, 1999 6:30 P.M. EDT/5:30 P.M. CDT

EPA Announces Significant Actions To Reduce Toxic Chemicals in Great Lakes Basin

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To protect public health and help restore the Great Lakes, U.S. Environmental Protection Agency Administrator Carol M. Browner today proposed to significantly reduce direct discharges of the most toxic chemicals into the Great Lakes. The chemicals, referred to as "bioaccumulative chemicals of concern" (BCCs), include mercury, polychlorinated biphenyls or PCBs, dioxin, chlordane, DDT and mirex.

"Today's announcement is vitally important to protect the health of Great Lakes residents. The risks posed to human health and to the Great Lakes themselves by these toxic pollutants are simply too high to ignore," said Browner. "We need to take more aggressive steps to protect our children, ourselves, and our environment from these harmful chemicals."

Specifically, Browner proposed to phase-out the discharges of BCCs into "mixing zones" – areas of the Lakes where discharges of toxic chemicals are allowed to mix with receiving waters and dilute. Today's proposal would prohibit new discharges of BCCs into mixing zones in the Great Lakes Basin and would phase out the use of existing mixing zones for BCCs in the Great Lakes Basin over 10 years.

Governors in Indiana, Michigan, Minnesota, and Wisconsin have already eliminated mixing zones for BCCs in the Great Lakes Basin. Today's announcement will ensure that mixing zones for BCCs in the Great Lakes Basin are also prohibited in the states of Illinois, New York, Ohio and Pennsylvania. It is anticipated that the proposal would reduce mercury from direct water discharges, like outfall pipes, into the Great Lakes by up to 90 percent.

Speaking today before the International Joint Commission in Milwaukee, Browner also

announced that she is directing EPA staff to work closely with state and local government, industry, environmental and public health groups, and other partners to review the use of mixing zones for bioaccumulative toxic chemicals to determine if they should be phased out nationwide. And she challenged governors across the country to follow the lead of the Great Lakes states in the meantime, by phasing out mixing zones for these harmful pollutants in all of America's waters.

"The Great Lakes are a shared natural treasure," said Browner. "Our efforts to protect the Great Lakes can serve as a model for protecting all of America's water ways. That's why today I'm challenging governors from every state to consider taking the same steps that we are taking to protect and restore the Great Lakes."

Noting that the vast majority of mercury pollution in the Great Lakes comes from air pollution, Browner added, "One of the greatest threats to the Great Lakes comes not just from poisons pumped directly into the waters – but what falls from the sky. We are pursuing aggressive steps to reduce mercury emissions to the air."

EPA actions to address reducing mercury emissions to the air include:

EPA completed a study of toxic emissions from coal-fired, electric power plants, which account for approximately one-third of all mercury air emissions. However, Congress required EPA to delay its finding as to whether it is necessary to control emissions from these plants until another study is completed by the National Academy of Sciences next summer. EPA fully plans to decide whether or not to control these emissions by no later than December 2000;

EPA has instituted tough controls addressing the combustion of medical, municipal, and hazardous waste; and

Beginning next year, power plants will have to report mercury emissions to EPA's Toxic Release Inventory, a part of this Administration's aggressive community "right-to-know" program. These data will be available to the public on the Internet.

In addition, Vice President Al Gore yesterday called for a moratorium on the export of Great Lakes water in order to enhance protection of the Great Lakes Basin and its economy. The Vice President endorsed bipartisan legislation introduced by Representative Bart Stupak (D-MI) that would place a moratorium on bulk diversion of Great Lakes water.

A moratorium was recommended in early August by the International Joint Commission, which was established in 1909 to assist the United States and Canada in decisions regarding shared waterways. In a report entitled "The Waters of the Great Lakes" the Commission urges that U.S. and Canadian federal, state, and local governments not allow bulk removal of Great Lakes surface or ground water until further study.

Despite their great depth and size, the Great Lakes are particularly vulnerable to toxic pollutants, because the pollutants remain in the lakes for many years. Even in small amounts,

they become more concentrated as they move through the food chain, from plants to fish and animals to humans. For humans and many species of wildlife, the main route of exposure to BCCs is fish consumption. By building up in the tissues of fish, BCCs can reach unhealthy levels, making fish unsafe to eat. There are advisories on eating fish in all of the Great Lakes states.

In 1995, EPA and the Great Lakes states agreed to a comprehensive plan to restore the health of the Great Lakes. The Final Water Quality Guidance for the Great Lakes System – also known as the Great Lakes Initiative – includes criteria for states when setting water quality standards for 29 pollutants, including BCCs. The 1995 Guidance prohibited the use of mixing zones for BCCs. The entire plan, including the mixing zone prohibition for BCCs was challenged in federal court by the iron and steel industry.

In June 1997, the U.S. Court of Appeals in the District of Columbia upheld the majority of the provisions in the Guidance, but vacated the BCC mixing zone prohibition and remanded the provision to EPA for further consideration. Today's proposal would reinstate that provision for environmental and public health reasons, based on continuing evidence that the highly bioaccumulative nature of BCCs presents a significant potential risk to human health, aquatic life and wildlife. Therefore the benefits of the mixing zone phase-out outweigh costs.

Because of the flexibility of the 1995 Guidance, all of the Great Lakes states have crafted unique cleanup and implementation procedures which have been submitted to EPA for approval. EPA has now completed its final review of the submissions made by five of the states (Indiana, Michigan, Minnesota, Ohio, and Pennsylvania) and a preliminary review of the remaining three (Illinois, New York, and Wisconsin). EPA is on schedule to complete its final review of the remaining three plans by the end of the year.

EPA will accept public comments on the proposal for 60 days. An original and 4 copies of all comments on the proposal should be addressed to Mary Willis Jackson, Water Quality Branch (WT-15J), U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Ill., 60604. For further information on the rule, contact Mark L. Morris at 202-260-0312, or visit EPA's Web site at: <http://www.epa.gov/ost>.

(To obtain an embargoed copy of Browner's remarks as prepared for delivery, call 202-260-9828.)

